

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

|                        |   |                        |
|------------------------|---|------------------------|
| BRUCE WOODS,           | : |                        |
|                        | : |                        |
| Petitioner,            | : | Case No. 1:00cv803     |
|                        | : |                        |
| vs.                    | : | Magistrate Judge Black |
|                        | : |                        |
| WANZA JACKSON, Warden, | : | Judge Spiegel          |
|                        | : |                        |
| Respondent.            | : |                        |

***RESPONDENT JACKSON'S RULE 7 MOTION TO EXPAND THE RECORD***

Now comes Respondent Wanza Jackson, by and through counsel, and hereby requests this Court to expand the record to include the items described herein and submitted as Exhibits hereto pursuant to Rule 7, Rules Governing Section 2254 Cases in the United States District Courts.

Respectfully submitted,

JIM PETRO  
Attorney General

s/Stuart A. Cole  
STUART A. COLE (0020237)  
Assistant Attorney General  
Corrections Litigation Section  
150 East Gay Street, 16<sup>th</sup> Floor  
Columbus, Ohio 43215  
(614) 644-7233

Trial Attorney for Respondent

***MEMORANDUM IN SUPPORT***

Respondent respectfully requests this Court to expand the record so as include the April 20, 2005 deposition of Petitioner Bruce Woods (including the deposition exhibits). Respondent has attached and labeled these Exhibits as follows:

1. Exhibit A – Woods deposition transcript.
2. Deposition Exhibit 1 – Woods affidavit dated August 18, 1998 that was attached to the delayed appeal motion that Woods filed in the Ohio Court of Appeals.
3. Deposition Exhibit 2 – Notice of Appeal that was filed by defense counsel Perkins.
4. Deposition Exhibit 3 – Court of Appeals entry dismissing appeal in case number C96-0545.
5. Deposition Exhibit 4 – Woods letter to Ohio Public Defender postmarked February 4, 1998.
6. Deposition Exhibit 5 – Ohio Public Defender's acknowledgment of Woods request for assistance dated February 6, 1998.
7. Deposition Exhibit 6 – redacted letter to Woods dated May 13, 1998 from Assistant Ohio Public Defender Lane.
8. Deposition Exhibit 7 – redacted letter to Woods dated May 26, 1998 from Assistant Ohio Public Defender Wetterer.

The parties in this case have heretofore filed a joint scheduling order which allows for final briefing by the parties not later than July 1, 2005. It will be Respondent's position that this deposition, coupled with the exhibits that have been previously submitted to this Court, obviates the need to conduct an evidentiary hearing in this matter. Specifically it is abundantly clear from Woods deposition testimony that he is not entitled to **any** equitable tolling with respect to this habeas corpus action. Since Woods filed his habeas petition well outside of the AEDPA statute of limitations, there

would appear to be little dispute that without extensive equitable tolling, that this action is time-barred.

Respectfully submitted,

JIM PETRO  
Attorney General

s/Stuart A. Cole  
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Assistant Attorney General  
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Trial Attorney for Respondent

***CERTIFICATE OF SERVICE***

I hereby certify that on May 12, 2005, a copy of the foregoing *Respondent Rule 7 Motion to Expand the Record* was electronically filed. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/Stuart A. Cole  
Stuart A. Cole  
Assistant Attorney General